

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

NEILER ALEJANDRO FUENMAYOR PACHECO

V.

Civil No. 25-cv-200-LM-TSM

WARDEN, FCI-BERLIN; PATRICIA H. HYDE, ACTING FIELD OFFICER DIRECTOR OF THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS BOSTON FIELD OFFICE; **TODD LYONS**, ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; **KRISTI NOEM**, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY

ORDER

Neiler Alejandro Fuenmayor Pacheco filed this petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1) through counsel, asserting claims of unlawful detention and unlawful termination of humanitarian parole in violation of 8 U.S.C. § 1182(d)(5), and in violation of the procedural and substantive due process components of the Fifth Amendment. Petitioner is in the custody of U.S. Immigration and Customs Enforcement (“ICE”) at the Federal Correctional Institution in Berlin, New Hampshire (“FCI Berlin”). Petitioner seeks immediate release.

The petition is before the court to determine whether the claims asserted are not facially invalid and may proceed. See Rule 4 of the Rules Governing Section 2254 Cases (“§ 2254 Rules”); see also § 2254 Rule 1(b); LR 4.3(d)(4).

The petition’s claims appear to be valid. Therefore, the clerk’s office shall:

- Immediately provide a copy of this Order to the Civil Bureau Chief of the Office of the U.S. Attorney for the District of New Hampshire;
- Deliver a copy of the Petition and this Order to the Office of the U.S. Attorney for the District of New Hampshire, to the attention of the Civil Process Clerk;

- Send copies of the Petition and this Order by certified mail to:
 - **Patricia H. Hyde**, Boston Field Office Director, U.S. Immigration and Customs Enforcement, 1000 District Ave., Burlington, MA 01803;
 - **Todd Lyons**, Acting Director, U.S. Immigration and Customs Enforcement, 500 12th St. SW, Washington, D.C. 20536;
 - **Kristi Noem**, U.S. Department of Homeland Security Secretary, 2707 Martin Luther King Jr. Ave. SE, Washington, D.C. 20528;
 - **Warden, FCI Berlin**, 1 Success Loop Rd., Berlin, NH 03570; and
 - **U.S. Attorney General**, 950 Pennsylvania Ave. NW, Washington, D.C. 20530.

Respondents are directed to file an answer or dispositive motion in response to the petition (Doc. No. 1) within seven (7) days of the date of service on the United States Attorney. If any respondent files a dispositive motion in lieu of an answer, that respondent's deadline for filing an answer is extended until fourteen days after the court rules on the dispositive motion. No more than fourteen days after the answer is filed, respondents shall file either a motion for summary judgment, or a statement representing that an evidentiary hearing is necessary.

Respondents shall provide this court with at least 72 hours advance notice of any scheduled removal or transfer of petitioner out of this court's jurisdiction.

SO ORDERED.



Talesha L. Saint-Marc
United States Magistrate Judge

June 5, 2025

cc: Claire E. Maguire, Esq.
Ronald L. Abramson, Esq.